APPENDIX G.

APPEAL, REFERENCE AND REVIEW.

No. 1.

MEMORANDUM OF APPEAL. (O. 41, r. 1.)

(Title.)

The abovenamed appeals to the Court at from the decree of in Suit No. of 19 , dated the day of 19 , and sets forth the following grounds of objection to the decree appealed from, namely :—

No. 2.

SECURITY BOND TO BE GIVEN ON ORDER BEING MADE TO STAY EXECUTION OF DECREE. (O. 41, r. 5.)

(Title.)

To

This security bond on stay of execution of decree executed by witnesseth :—

That , the plaintiff in Suit No. of 19 having sued , the defendant, in this Court and a decree having been passed on the day of.....19 in favour of the plaintiff, and the defendant having preferred an appeal from the said decree in the Court, the said appeal is still pending.

Now the plaintiff decree-holder having applied to execute the decree, the defendant has made an application praying for stay of execution and has been called upon to furnish security. Accordingly I, of my own free will, stand security to the extent of Rs. , mortgaging the properties specified in the schedule hereunto annexed, and covenant that if the decree of the first Court be confirmed or varied by the Appellate Court the said defendant shall duly act in accordance with the decree of the Appellate Court and shall pay whatever may be payable by him thereunder, and if he should fail therein then any amount so payable shall be realized from the properties hereby mortgaged, and if the proceeds of the sale of the said properties are insufficient to pay the amount due, I and my legal representatives will be personally liable to pay the balance. To this effect I execute this security bond this day of 19

Schedule.

Witnessed by (Signed.)

1.

2.

No. 3

SECURITY BOND TO BE GIVEN DURING THE PENDENCY OF APPEAL. (O. 41, r. 6.)

(Title.)

To

This security bond on stay of execution of decree executed by witnesseth :—

That , the plaintiff in Suit No. of 19 , having sued , the defendant, in this Court and a decree having been passed on the day of 19 in favour of the plaintiff, and the defendant having preferred an appeal from the said decree in the Court, the said appeal is still pending.

Now the plaintiff decree-holder has applied for execution of the said decree and has been called upon to furnish security. Accordingly I, of my own free will, stand security to the extent of Rs. mortgaging the properties specified in the schedule hereunto annexed, and covenant that if the decree of the first Court be reversed or varied by the Appellate Court, the plaintiff shall restore any property which may be or has been taken in execution of the said decree and shall duly act in accordance with the decree of the Appellate Court and shall pay whatever may be payable by him thereunder, and if he should fail therein then any amount so payable shall be realized from the properties hereby mortgaged, and if the proceeds of the sale of the said properties are insufficient to pay the amount due, I and my legal representatives will be personally liable to pay the balance. To this effect I execute this security bond this day of 19

Schedule.

Witnessed by (Signed.)

1.

2.

Appendix G Form Nos. 4—7.

No. 4.

SECURITY FOR COSTS OF APPEAL. O. 41, r. 10.)

(Title.)

To

This security bond for costs of appeal executed by witnesseth:—

This appellant, has preferred an appeal from the decree in Suit No. of 19 , against the respondent, and has been called upon to furnish security. Accordingly I, of my own free will, stand security for the costs of the appeal, mortgaging the properties specified in the schedule hereunto annexed. I shall not transfer the said properties or any part thereof, and in the event of any default on the part of the appellant I shall duly carry out any order that may be made against me with regard to payment of the costs of appeal. Any amount so payable shall be realized from the properties hereby mortgaged, and if the proceeds of the sale of the said properties are insufficient to pay the amount due, I and my legal representatives will be personally liable to pay the balance. To this effect I execute this security bond this day of 19 .

Schedule.

Witnessed by (Signed.)

1.

2.

No. 5.

INTIMATION TO LOWER COURT OF ADMISSION OF APPEAL. (O. 41, r. 13.)

(Title.)

To

YOU are hereby directed to take notice that the in the above suit, has preferred an appeal to this Court from the decree passed by you therein on the.....day of.....19 .

You are requested to send with all practicable despatch all material papers in the suit.

Daded the day of 19 .

Judge.

No. 6.

NOTICE TO RESPONDENT OF THE DAY FIXED FOR THE HEARING OF THE APPEAL. (O. 41, r. 14.)

(Title.)

APPEAL from the of the Court of dated the day of 19

To Respondent.

TAKE notice that an appeal from the decree of in this case has been presented by and registered in this Court, and that the day of 19 has been fixed by this Court for the hearing of this appeal.

If no appearance is made on your behalf by yourself, your pleader, or by some one by law authorized to act for you in this appeal, it will be heard and decided in your absence.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

[*Note.*—If a stay of execution has been ordered, intimation should be given of the fact on this notice.]

No. 7.

NOTICE TO A PARTY TO A SUIT NOT MADE A PARTY TO THE APPEAL BUT JOINED BY THE COURT AS A RESPONDENT. (O. 41, r. 20.)

(Title.)

WHEREAS you were a party in Suit No. of 19 , in the Court of , and whereas the has preferred an appeal to this Court from the decree passed against him in the said suit and it appears to this Court that you are interested in the result of the said appeal:

This is give you notice that this Court has directed you to be made a respondent in the said appeal and has adjourned the hearing thereof till the day of 19 , at A.M. If no appearance is made on your behalf on the said day and the said hour, the appeal will be heard and decided in your absence.

GIVEN under my hand and seal of the Court, this day of 19 .

Judge.

Appendix G. Form Nos. 8—11.

No. 8.

MEMORANDUM OF CROSS OBJECTION. (O. 41, r. 22.)

(*Title.*)

WHEREAS the has preferred an appeal to the Court at from the decree of in Suit No. of 19 , dated the day of 19 , and whereas notice of the day fixed for hearing the appeal was served on the on the day of 19 , the files this memorandum of cross objection under rule 22 of Order XLI of the Code of Civil Procedure, 1911, and sets forth the following grounds of objection to the decree appealed from, namely :—

No. 9.

DECREE IN APPEAL. (O. 41, r. 35.)

(*Title.*)

Appeal No. of 19 from the decree of the Court of dated the day of 19 .

Memorandum of appeal.

Plaintiff.
Defendant.

The abovenamed appeals to the Court at from the decree of in the above suit, dated the day of 19 , for the following reasons, namely :—

This appeal coming on for hearing on the day of 19 , before , in the presence of for the appellant and of for the respondent, it is ordered—

The costs of this appeal, as detailed below, amounting to Rs. , are to be paid by . The costs of the original suit are to be paid by .

Given under my hand this day of 19 .

Judge.

Costs of appeal.

Appellant	Amount			Respondent	Amount		
	Rs.	a.	p.		Rs.	a.	p.
1. Stamp for memorandum of appeal.				Stamp for power			
2. Do for power				Do for petition			
3. Service of processes ...				Service of processes			
4. Pleader's fee on Rs. ...				Pleader's fee on Rs.			
Total ...				Total ...			

No. 10.

APPLICATION TO APPEAL *IN FORMA PAUPERIS*. (O. 44, r. 1.)

(*Title.*)

I the abovenamed, present the accompanying memorandum of appeal from the decree in the above suit and apply to be allowed to appeal as a pauper.

Annexed is a full and true schedule of all the movable and immovable property belonging to me with the estimated value thereof.

Dated the day of 19 .

(Signed.)

Note.—Where the application is by the plaintiff he should state whether he applied and was allowed to sue in the Court of first instance as a pauper.

No. 11.

NOTICE OF APPEAL *IN FORMA PAUPERIS*. (O. 44, r. 1.)

(*Title.*)

WHEREAS the abovenamed has applied to be allowed to appeal as a pauper from the decree in the above suit dated the day of 19 and whereas the day of 19 has been fixed for hearing the application ; notice is hereby given to you that if you desire to show cause why the applicant should not be allowed to appeal as a pauper an opportunity will be given to you of doing so on the aforementioned date.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

Appendix G Form No. 14.

No. 14.

NOTICE TO SHOW CAUSE WHY A REVIEW SHOULD NOT BE GRANTED.

(O. 47, r. 4.)

(*Title.*)

To

TAKE notice that has applied to this Court for a review of its decree passed on the day of 19 in the above case. The day of 19 is fixed for you to show cause why the Court should not grant a review of its decree in this case.

GIVEN under my hand and the seal of the Court, this day of 19

APPENDIX H.

MISCELLANEOUS.

No. 1.

AGREEMENT OF PARTIES AS TO ISSUE TO BE TRIED. (O. 14, r. 6.)

(*Title.*)

WHEREAS we, the parties in the above suit, are agreed as to the question of fact [*or* of law] to be decided between us and the point at issue between us is whether a claim founded on a bond, dated the day of 19 and filed as Exhibit in the said suit, is or is not beyond the statute of limitation [*or state the point at issue whatever it may be*] :

We therefore severally bind ourselves that, upon the finding of the Court in the negative [*or* affirmative] of such issue will pay to the said the sum of Rupees (*or* such sum as the Court shall hold to be due thereon) and I, the said will accept the said sum of Rupees (*or* such sum as the Court shall hold to be due) in full satisfaction of my claim on the bond aforesaid [*or*, that upon such finding I, the said will do or abstain from doing, etc., etc.].

Plaintiff.
Defendant.

Witnesses.
1.
2.

Dated the day of 19 .

No. 2.

NOTICE OF APPLICATION FOR THE TRANSFER OF A SUIT TO ANOTHER COURT FOR TRIAL.

(Section 24.)

In the Court of the District Judge of
No. of 19 .

To

WHEREAS an application dated the day of 19 has been made to this Court by the in Suit No. of 19 now pending in the Court of the at in which is plaintiff and is defendant, for the transfer of the suit for trial to the Court of the at :—

You are hereby informed that the day of 19 has been fixed for the hearing of the application, when you will be heard if you desire to offer any objection to it.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 3.

NOTICE OF PAYMENT INTO COURT. (O. 24, r. 2.)

(*Title.*)

Take notice that the defendant has paid into Court Rs. and says that that sum is sufficient to satisfy the plaintiff's claim in full.

X. Y, Pleader for the defendant.

To Z, Pleader for the plaintiff.

No. 4.

NOTICE TO SHOW CAUSE. (General form.)

(*Title.*)

To

WHEREAS the abovenamed has made application to this Court that

You are hereby warned to appear in this Court in person or by a pleader duly instructed on the day of 19 , at o'clock in the forenoon, to show cause against the application, failing wherein, the said application will be heard and determined *ex parte*.

GIVEN under my hand and the seal of the Court, this day of 19

Judge.

No. 5.

LIST OF DOCUMENTS PRODUCED BY PLAINTIFF/DEFENDANT. (O. 13, r. 1.)

(*Title.*)

No.	Description of document	Date, if any, which the document bears	Signature of party or pleader
1	2	3	4

No. 6.

NOTICE TO PARTIES OF THE DAY FIXED FOR EXAMINATION OF A WITNESS ABOUT TO LEAVE THE JURISDICTION. (O. 18, r. 16.)

(*Title.*)

To plaintiff (*or* defendant).

WHEREAS in the above suit application has been made to the Court by that the examination of a witness required by the said in the said suit, may be taken immediately; and it has been shown to the Court's satisfaction that the said witness is about to leave the Court's jurisdiction (*or any other good and sufficient cause, to be stated*)

Take notice that the examination of the said witness will be taken by the Court on the day of 19

Dated the day of 19

Judge.

No. 7.

COMMISSION TO EXAMINE ABSENT WITNESS. (O. 26, rr. 4, 18.)

(*Title.*)

To

WHEREAS the evidence of is required by the in the above suit; and whereas ; you are requested to take the evidence on interrogatories (or *viva voce*) of such witness and you are hereby appointed Commissioner for that purpose. The evidence will be taken in the presence of the parties or their agents if in attendance, who will be at liberty to question the witness on the points specified; and you are further requested to make return of such evidence as soon as it may be taken.

Process to compel the attendance of the witness will be issued by any Court having jurisdiction on your application.

A sum of Rs. , being your fee in the above, is herewith forwarded.

GIVEN under my hand and the seal of the Court, this day of 19

Appendix H Form Nos. 8—10.

No. 8.

LETTER OF REQUEST. (O. 26, r. 5.)

(*Title.*)

(Heading :—To the President and Judges of, etc., etc., *or as the case may be.*)

WHEREAS a suit is now pending in the
in which A. B. is plaintiff and C. D. is defendant; and in the said suit the plaintiff claims
(*abstract of claim*);

And whereas it has been represented to the said Court that it is necessary for the purposes of justice and for the due determination of the matters in dispute between the parties, that the following persons should be examined as witnesses upon oath touching such matters, that is to say :

E. F., of
G. H., of and
I. J., of

And it appearing that such witnesses are resident within the jurisdiction of your honourable Court ;

Now I , as the of the said Court, have the honor to request, and do hereby request, that for the reasons aforesaid and for the assistance of the said Court, you, as the President and Judges of the said or some one or more of you, will be pleased to summon the said witness (and such other witnesses as the agents of the said plaintiff and defendant shall humbly request you in writing so to summon) to attend at such time and place as you shall appoint before some one or more of you or such other persons as according to the procedure of your Court is competent to take the examination of witnesses, and that you will cause such witnesses to be examined upon the interrogatories which accompany this letter of request (or *viva voce*) touching the said matters in question in the presence of the agents of the plaintiff and defendant, or such of them as shall, on due notice given, attend such examination.

And I further have the honor to request that you will be pleased to cause the answers of the said witnesses to be reduced into writing, and all books, letters, papers and documents produced upon such examination to be duly marked for identification, and that you will be further pleased to authenticate such examination by the seal of your tribunal, or in such other way as is in accordance with your procedure, and to return the same, together with such request in writing, if any, for the examination of other witnesses to the said Court.

No. 9.

COMMISSION FOR A LOCAL INVESTIGATION, OR TO EXAMINE ACCOUNTS.

(O. 26, rr. 9, 11.)

(*Title.*)

To

WHEREAS it is deemed requisite, for the purposes of this suit, that a commission for
should be issued ; You are hereby appointed Commissioner for the purpose of

Process to compel the attendance before you of any witnesses or for the production of any documents, whom or which you may desire to examine or inspect, will be issued by any Court having jurisdiction on your application.

A sum of Rs. , being your fee in the above, is herewith forwarded.

GIVEN under my hand and the seal of the Co
19

No. 10.

COMMISSION TO MAKE

To

WHEREAS it is deemed requis
should be issued to make the part
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tion of

Appendix H Form Nos. 11—13.

No. 11.

NOTICE TO MINOR DEFENDANT AND GUARDIAN. (O. 32, r. 3.)

(*Title.*)

To

Minor Defendant.
Natural Guardian.

WHEREAS an application has been presented on the part of the plaintiff in the above suit for the appointment of a guardian for the suit to the minor defendant, you the said minor, and you (1) (1) [Here insert the name of guardian.] are hereby required to take notice that unless within days from the service upon you of this notice, an application is made to this Court for the appointment of you (1) or of some friend of you the minor, to act as guardian for the suit, the Court will proceed to appoint some other person to act as a guardian to the minor for the purposes of the said suit.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 12.

NOTICE TO OPPOSITE PARTY OF DAY FIXED FOR HEARING EVIDENCE OF PAUPERISM. (O. 33, r. 6.)

(*Title.*)

To

WHEREAS has applied to this Court for permission to institute a suit against *in forma pauperis* under Order XXXIII of the Code of Civil Procedure, 1911; and whereas the Court sees no reason to reject the application; and whereas the day of 19 has been fixed for receiving such evidence as the applicant may adduce in proof of his pauperism and for hearing any evidence which may be adduced in disproof thereof:

Notice is hereby given to you under rule 6 of Order XXXIII that in case you may wish to offer any evidence to disprove the pauperism of the applicant, you may do so on appearing in this Court on the said day of 19

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 13.

NOTICE TO SURETY OF HIS LIABILITY UNDER A DECREE. (Section 145.)

(*Title.*)

To

WHEREAS you did on become liable as surety for the performance of any decree which might be passed against the said defendant in the above suit; and whereas a decree was passed on the day of 19 against the said defendant for the payment of and whereas application has been made for execution of the said decree against you:

Take notice that you are hereby required on or before the day of 19 to show cause why the said decree should not be executed against you, and if no sufficient cause shall be, within the time specified, shown to the satisfaction of the Court, an order for its execution will be forthwith issued in the terms of the said application.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

Appendix H Form No. 14.

No. 14.

REGISTER OF CIVIL SUITS (O. 4, r. 2.)

COURT of the ——— at ———

REGISTER OF CIVIL SUITS in the year 19

Date of presentation of plaint	No. of suit	Plaintiff			Defendant			Claim			Appearance			Judgment			Appeal		Execution					Return of execution		
		Name	Description	Place of residence	Name	Description	Place of residence	Particulars	Amount or value	When the cause of action accrued	Day for parties to appear	Plaintiff	Defendant	Date	For whom	For what, or amount	Date of decision of appeal	Judgment in appeal	Date of application	Date of order	Against whom	For what, and amount, if money	Amount of costs	Amount paid into Court	Arrested	Minute of other return than payment or arrest, and date of every return

NOTE.—Where there are numerous plaintiffs or numerous defendants, the name of the first plaintiff only, or the first defendant only, as the case may be, need be entered in the register.

Appendix H. Form No. 15.

No. 15. (O. 41, r. 9.)

REGISTER OF APPEALS.

COURT (OR CHIEF COURT) AT

REGISTER OF APPEALS FROM DECREES in the year 19

Date of memorandum	Number of appeal	Appellant			Respondent			Decree appealed from				Appearance			Judgment		
		Name	Description	Place of residence	Name	Description	Place of residence	Of what Court	Number of original suit	Particulars	Amount or value	Day for parties to appear	Appellant	Respondent	Date	Confirmed, reversed or varied	For what or amount